

# SENATE . . . . . No. 1823

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## The Commonwealth of Massachusetts

PRESENTED BY:

**James E. Timilty**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to producing depictions of fighting for internet broadcast.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO PRODUCING DEPICTIONS OF FIGHTING FOR INTERNET BROADCAST.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           SECITON 1. Chapter 265 is hereby amended by inserting after section 47 the following  
2   section:-

3   Section 48. (a) "Depiction of a physical altercation" means any visual or auditory depiction,  
4   including but not limited to any photograph, movie, video recording, electronic image, electronic  
5   series of images, or electronic movie, whether preserved in fixed media or equipment or  
6   available via the Internet, downloadable, streaming or otherwise, or sound recording, that would  
7   constitute a violation of sections 3, 9, 12, 13a, 14, 17, 20, 35, or 36 of chapter 265.

8   (b) "Person" shall include all individuals, corporations, business entities, organizations, clubs  
9   and associations, whether or not operated for profit.

10   (c) For any of the purposes of this statute, any person who has knowingly or intentionally placed  
11   or hosted on the Internet, or caused to be placed or hosted on the Internet any depiction of a  
12   physical altercation, by so doing shall be deemed to have consented to personal jurisdiction  
13   within the Commonwealth.

14 (d) No person may knowingly create, purchase, rent, possess, lease, host on a computer, server,  
15 or Internet location a depiction of a physical altercation. Any person convicted of violating this  
16 provision shall be punished by a fine of not more than \$500 or by imprisonment in the house of  
17 correction for not more than 1 year or by both such fine and imprisonment.

18 (e) No person may sell, market, lease, offer to market or sell a depiction of a physical altercation  
19 or place that depiction in commerce for commercial gain or entertainment. Any person  
20 convicted of violating this provision shall be punished by a fine of not more than \$1,000 or by  
21 imprisonment in the house of correction for not more than 2 years or by both such fine and  
22 imprisonment.

23 (f) Nothing in this section shall apply to religious, political, scientific, educational, law  
24 enforcement or military training, journalistic, artistic, or historical value.